## UNITED STATES DISTRICT COURT NORTHERN DISTRICT OF ILLINOIS **EASTERN DIVISION**

| R.R. STREET & CO. INC. and         | § |                                |
|------------------------------------|---|--------------------------------|
| NATIONAL UNION FIRE INSURANCE      | § |                                |
| COMPANY OF PITTSBURGH, PA, as      | § |                                |
| subrogee of R.R. Street & Co. Inc. | § |                                |
| Plaintiffs,                        | § |                                |
|                                    | § | Case No. 1:08-CV-01182         |
| V.                                 | § | Judge: Hon. Virgina M. Kendall |
|                                    | § | (Jury Requested)               |
| VULCAN MATERIALS COMPANY, n/k/a    | § |                                |
| LEGACY VULCAN CORP.,               | § |                                |
| Defendant.                         | § |                                |
|                                    | 8 |                                |

## **RE-NOTICE OF MOTION**

| TO: | Richard C. Godfrey, P.C. | John B. Thomas                   |
|-----|--------------------------|----------------------------------|
|     | Matthew T. Regan, P.C.   | Stephen M. Loftin                |
|     | Kirkland & Ellis LLP     | HICKS, THOMAS & LILIENSTERN, LLP |
|     | 200 East Randolph Drive  | 700 Louisiana, Suite 2000        |
|     | Chicago, Illinois 60601  | Houston, Texas 77002             |

On Monday, July 21, 2008, at 9:00 a.m., or as soon thereafter as counsel may be heard, I shall appear before the Honorable Virginia M. Kendall or any Judge sitting in her stead, in Courtroom 2319 of the Everett McKinley Dirksen United States Courthouse, 219 South Dearborn Street, Chicago, Illinois, 60604, and there and then present the previously-filed Motion for Leave to File a Surreply to the Reply in Support of Vulcan's Motion to Dismiss or Alternatively, to Stay (Docket No. 34).

/s/ Bryan G. Schumann /s/

## PROOF OF SERVICE BY E-MAIL AND U.S. MAIL

The undersigned, an attorney, states and certifies that a true and correct copy of the aforementioned document was served upon the above parties electronically via the U.S. District Court's ECF system on July 15, 2008.

Bryan G. Schumann Federal Admission ID No. 6190102 **BOLLINGER. RUBERRY & GARVEY** 500 West Madison Street, Suite 2300 Chicago, Illinois 60661/ (312) 466-8000/Facsimile: 312-466-8001

/s/ Bryan G. Schumann /s/